

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANK BURTON, JR.,)	
)	Civil Action No. 14 – 131
Petitioner,)	
)	District Judge Nora Barry Fischer
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
MARK V. CAPPOZZA, <i>et al.</i> ,)	
)	
Respondents.)	
)	

ORDER

AND NOW, this 3rd day of June, 2016, after Petitioner Frank Burton, Jr. having filed a Petition for Writ of Habeas Corpus in the above-captioned case on January 29, 2014 and an Amended Petition for Writ of Habeas Corpus on May 21, 2014, and after an Answer to the Amended Petition was filed by the Respondents on June 17, 2014, and after a Report and Recommendation was filed by the United States Magistrate Judge on May 4, 2016 giving the parties until May 23, 2016 to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the Opinion of this Court,

IT IS HEREBY ORDERED that the Amended Petition for Writ of Habeas Corpus (ECF No. 15) is dismissed as moot.

IT IS FURTHER ORDERED that the Clerk of Court mark this case closed.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as

provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

By the Court:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Frank Burton, Jr.
KV6843
PO Box 99991
Pittsburgh, PA 15233

Counsel for Respondents
Via CM/ECF Electronic Mail